

1

LUC-300 / Dombkowski 7-4

REMARKS

Claims 1-12, 21-36 and 38 are pending. Claims 1- 38 were rejected under 35 U.S.C. § 101. Claims 1, 9, 13, 21, 28 and 36 were rejected under 35 U.S.C. § 102(e). Claims 2-8, 10-12, 14-20, 22-27, 29-35 and 38 were rejected under 35 U.S.C. § 103(a). Claim 37 was objected to.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claim 37 contains allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejection Under 35 U.S.C. § 101

Claims 1- 38 were rejected under 35 U.S.C. § 101 because the Office Action states that the claimed invention is directed to non-statutory subject matter.

Applicants respectfully traverse this ground of rejection.

Claims 1-36 and 38 refer to a technique for transporting voice and other signal via a cable protocol. Applicants assert that claims 1-12, 21-36 and 38, as amended, are subject matter eligible for patentability under MPEP § 706.03(a), because the claimed invention has utility.

Rejection Under 35 U.S.C. § 102

Claims 1, 9, 13, 21, 28 and 36 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Number 2002/0021711 issued to Gummalla et al. dated February 21, 2002.

Applicants have avoided this ground of rejection for the following reasons.

Claim 13 has been canceled. Claim 37, which the Examiner has indicated is allowable if rewritten in independent form and which was previously dependent from now claim 1, has been canceled. Applicants have amended claim 1 to include therein the limitation from claim 37. Claim 1, as amended, now recites,

 sending one or more upstream signals as pulse code modulated data without packet headers using an upstream cable protocol;

 sending one or more downstream signals as pulse code modulated data without packet headers using a downstream cable protocol; and

enclosing the one or more downstream signals as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport.

The Examiner admits that the cited reference does not teach “enclosing the one or more downstream signals as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport”, as recited in applicants’ claim 1.

In view of the foregoing, applicants submit that Gummalla does not describe each and every element of claim 1, and therefore claim 1 is not anticipated by Gummalla. Since claim 9 depends from allowable claim 1, this claim is also allowable over Gummalla.

Independent claims 21 and 28 each have a limitation similar to that of independent claim 1, which was shown is not taught by Gummalla. For example, claim 21 recites, “enclosing the downstream signals as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport” and claim 28 recites, “wherein the transport device transports downstream signals enclosed as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport”. Gummalla does not teach these limitations for the above-mentioned reasons. Therefore, claims 21 and 28 are likewise allowable over Gummalla. Since claim 36 depends from claim 28, this dependent claim is also allowable over Gummalla.

Rejection Under 35 U.S.C. § 103

Claims 2-4, 6-7, 14-16, 22-23, and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gummalla in view of DOCSIS Specifications.

Claims 5, 17, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gummalla in view of U.S. Patent Number 5,390,181 issued to Campbell et al. on February 14, 1995.

Claims 8 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gummalla in view of U.S. Patent Number 6,614,843 issued to Gordon et al. on September 2, 2003.

Claims 10-11, 18-19, 25-26 and 33-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gummalla in view of U.S. Patent Application Number 2001/0053152 issued to Sala et al. dated December 20, 2001.

Claims 12, 20, 27, 35 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gummalla.

Applicants respectfully traverse these grounds of rejection.

Claims 14-20 have been canceled. Claims 2-8, 10-12 and 38 depend from claim 1. Claims 22-27 depend from claim 21. Claims 29-35 depend from claim 28. Gummalla does not teach or suggest "enclosing the one or more downstream signals as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport", as recited in claim 1 and "enclosing the downstream signals as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport", as recited in independent claim 21 and "wherein the transport device transports downstream signals enclosed as the pulse code modulated data without application-level packet headers in a Motion Pictures Experts Group (MPEG) transport", as recited in independent claim 28. The DOCSIS Specifications, Campbell, Gordon and Sala do not teach or suggest the elements either. Thus, claims 2-8, 10-12, 14-20, 22-27, 29-35 and 38 are allowable over the proposed combinations under 35 U.S.C. § 103(a).

1

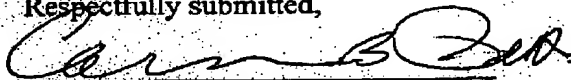
LUC-300 / Dombkowski 7-4

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



Carmen B. Patti
Attorney for Applicants
Reg. No. 26,784

Dated: June 29, 2006

CARMEN B. PATTI & ASSOCIATES, LLC
Customer Number 47382